

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

<p>GREGORY J. CRAM,</p> <p>Plaintiff,</p> <p>v.</p> <p>ASSET ACCEPTANCE, LLC.,</p> <p>Defendant.</p>	<p>CASE NO.</p> <p>1 : 09 cv- 1012 LJM-DML</p> <p>COMPLAINT</p>
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COMPLAINT

I. INTRODUCTION

1. This is an action for statutory and actual damages, costs of the action and a reasonable attorney's fee brought by Gregory J. Cram for violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., and the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et. seq., by Defendant.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d), 15 U.S.C. § 1681p, and 28 U.S.C. §§ 1331 and 1337.

III. PLAINTIFF

3. Plaintiff Gregory J. Cram is a natural person residing in Roachdale, Indiana.

IV. DEFENDANT

4. Defendant Asset Acceptance LLC. (hereinafter "Asset Acceptance") is a for-profit foreign limited liability company incorporated in Delaware with its principal place of business in Michigan.
5. At all times referenced herein, Asset Acceptance was operating as a debt collector in the State of Indiana as defined by 15 U.S.C. § 1692a(6).

V. STATEMENT OF FACTS

6. On June 24, 2008, Asset Acceptance filed a lawsuit against Plaintiff Gregory J. Cram in the Putnam County Circuit Court, Cause No. 67C01-0806-CC-293, alleging that Gregory J. Cram owed Asset Acceptance \$12,580.39 on its Account # 26749918.
7. On May 16, 2009, the parties resolved their differences by Settlement Agreement and Mutual Release (attached hereto as Exhibit A).
8. Cause No. 67C01-0806-CC-293 was dismissed with prejudice on June 3, 2009.
9. On June 9, 2009 and again in July, 2009, Asset Acceptance reported Account # 26749918 to credit reporting agency Experian Information Solutions, Inc. as an installment loan with a balance due of \$10,080.
10. On June 14, 2009, Asset Acceptance reported Account # 26749918 to credit reporting agency TransUnion LLC as a factoring company account with a balance due of \$10,080.
11. On or about July 21, 2009, Gregory J. Cram disputed the reporting of Asset Acceptance Account # 26749918 as an installment loan with a balance due of \$10,080 to credit reporting agency Experian Information Solutions, Inc. and Asset Acceptance verified the account as reporting accurately.
12. On or about July 21, 2009, Gregory J. Cram disputed the reporting of Asset Acceptance Account # 26749918 as a factoring company account with a balance due of \$10,080 to credit reporting agency TransUnion LLC and Asset Acceptance verified the account as reporting accurately.

VI. CLAIMS FOR RELIEF

A. Fair Debt Collection Practices Act

13. Plaintiff repeats, re-alleges and incorporates by reference paragraphs one through twelve above.
14. Defendant violated the Fair Debt Collection Practices Act. These violations include, but are not limited to:
 - (a) Falsely reporting Account # 26749918 to credit reporting agency Experian Information Solutions, Inc. as an installment loan with a balance due of \$10,080 after the account had been settled in full and the lawsuit thereon dismissed with prejudice in violation of 15 U.S.C. §§ 1692e(2), and 1692f(1); and
 - (b) Falsely reporting Account # 26749918 to credit reporting agency TransUnion LLC as a factoring company account with a balance due of \$10,080 after the account had been settled in full and the lawsuit

thereon dismissed with prejudice in violation of 15 U.S.C. §§ 1692e(2), and 1692f(1).

15. As a result of these violations of the Fair Debt Collection Practices Act, Defendant is liable to Plaintiff for his actual damages, statutory damages, costs, attorney fees and all other appropriate relief.

B. Fair Credit Reporting Act

16. Plaintiff repeats, re-alleges and incorporates by reference paragraphs one through twelve above.

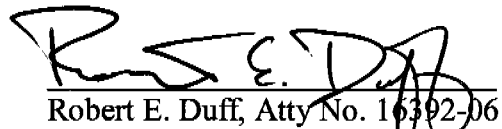
17. Defendant intentionally and/or negligently violated the Fair Credit Reporting Act. These violations include, but are not limited to:

- (a) Failing to conduct a reinvestigation pursuant to the guidelines outlined in 15 U.S.C. § 1681s-2(b)(1).

18. As a result of these violations of the Fair Credit Reporting Act, Defendant is liable to Plaintiff for his actual damages, statutory damages, costs, attorney fees and all other appropriate relief.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor and against Defendant in an amount that will compensate him for his actual damages, statutory damages, costs, attorney fees and all other appropriate relief.

Respectfully submitted,


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